

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVID BRYAN WICKS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:18-CV-705-ECM-SMD
)	
CLARENCE TUCKER, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On August 1, 2018, *pro se* Plaintiff, David Wicks, filed this 42 U.S.C. § 1983 suit against Clarence Tucker and Wells Fargo Bank. (Doc. 1). Plaintiff also filed a Motion to Proceed *in forma pauperis*. (Doc. 3). On February 13, 2019, the undersigned United States Magistrate Judge granted (Doc. 5) Plaintiff's Motion to Proceed *in forma pauperis* and stayed service of process on Defendant until the Court's review of Plaintiffs' complaint pursuant to the provisions of 28 U.S.C. § 1915(e). On June 25, 2019, the undersigned issued an Order (Doc. 6) directing Plaintiff to file an amended Complaint, on or before July 9, 2019. *Id.* at 7. Plaintiff was specifically warned that **"his failure to amend as required by this Order will result in the undersigned's recommendation that this case be dismissed for failure to prosecute and abide by the orders of the Court."** *Id.* (emphasis in the original). The Order also directed Plaintiff to provide the Court with his updated contact information on or before July 9, 2019. *Id.* Plaintiff was specifically warned that **"his failure to do so may be interpreted by the Court as his abandonment of his claim."** *Id.*

Plaintiff has not filed an amended complaint with the Court nor has he provided his updated contact information to the Court, and the deadline for doing so has passed. Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Plaintiff's Complaint (Doc. 1) be DISMISSED for failure to prosecute and abide by orders of the Court. Further, it is

ORDERED that Plaintiff is DIRECTED to file any objections to the said Recommendation **on or before July 26, 2019**. Plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar Plaintiff from a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *see Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc). Plaintiff is advised that this Recommendation is not a final order of the Court and, therefore, it is not appealable.

Done this 12th day of July, 2019.

/s/ Stephen M. Doyle
UNITED STATES MAGISTRATE JUDGE